

Counsel of Record:

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SECURITIES AND EXCHANGE COMMISSION

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

against-

07 Civ. 10547 (GEL)

RABINOVICH & ASSOCIATES, LP,

ALEX RABINOVICH AND

JOSEPH LOVAGLIO,

Defendants.

**DECLARATION OF MICHAEL PALEY IN SUPPORT OF PLAINTIFF'S
APPLICATION FOR A CERTIFICATE OF DEFAULT
AGAINST RABINOVICH & ASSOCIATES, LP**

I, Michael Paley, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years old and am employed as senior counsel in the New York Regional Office of the Securities and Exchange Commission. I make this declaration pursuant to Local Rule 55.1 in support of Plaintiff's application for a certificate of default against defendant Rabinovich & Associates, LP in this action.

2. On November 26, 2007 plaintiff commenced this action by emergency application for an order to show cause, a temporary restraining order, and an order freezing assets and granting other relief (the "Order to Show Cause"). True and correct

copies of the Order to Show Cause and the accompanying Complaint are attached to this Declaration as Exhibit 1 and Exhibit 2, respectively.

3. Defendant Rabinovich & Associates, LP is a limited partnership. It is not an infant, an incompetent person, or in the military.

4. On November 27, 2007, defendant Rabinovich & Associates, LP was served with the Order to Show Cause, Summons, and Complaint in this action. A true and correct copy of the affidavit of service is attached to this Declaration as Exhibit 3.

5. On December 21, 2007, the Court ordered that defendant Rabinovich & Associates, LP enter an appearance in this action by January 21, 2008. A copy of this Order is attached as Exhibit 4.

6. As of January 23, 2008 Rabinovich & Associates, LP has not made an appearance in this action pursuant to the December 21, 2007 Order, and has failed to plead or otherwise defend this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 23, 2008



Michael Paley (MP-6035)